IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

FIRST APPEAL NO.1445 OF 2006
IN
SPECIAL CIVIL SUIT NO.53 OF 2005

Ashok Vasudev Rao & ors. Appellants
vs.
Shashank Sharad Rao & ors. Respondents

Mr.Suresh Gole for the appellants.

Mr.J. Reis with Mr.M.D.Nagle for the respondents 1 and 2.

CORAM : R. M. LODHA &
A.S.BAGGA, JJ.

DATED : 27th June, 2006

P.C.

Heard.

2. Mr.Suresh Gole, the counsel for the appellants and Mr.J. Reis, the counsel for the respondents 1 and 2 agreed that the first appeal itself may be disposed of by the following order:

(i) Subject to the appellants paying the cost of Rs.40,000/- to the respondents 1 and 2 within three weeks from today, the exparte decree dated 29th April, 2006 passed by the Civil Judge, Senior Division, Ratnagiri in Special Civil

Suit No.53/2005 shall stand set aside.

(ii) In that event, the appellants (original defendants 1 to 3) are also given an opportunity to file their written statement within three weeks from today.

(iii) The trial Court shall thereafter frame the issues and proceed with the trial and ensure that trial is concluded by 31st December, 2006.

(iv) If the cost of Rs.40,000/- is not paid by the appellants to the respondents 1 and 2 within three weeks from today, the exparte decree dated 29th April, 2006 shall stand as it is.

. We order accordingly.

(R.M. LODHA,J.)

(A.S. BAGGA,J.)